THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 21920 of 2005

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Dated: 03-04-2006

Between:

V. Shyam Sunder.

..Pettioner.

and

The Commissioner, Municipal Corporation, Visakhapatnam and others.

..Respondents.

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 21920 of 2005

ORDER:

This petition is filed seeking a writ of mandamus to declare the action of respondents in awarding the contract to respondent Nos. 2 and 3 as illegal and arbitrary and to direct the first respondent to award the contract for the items 9

and 10 of the Tender Notice No.5 of 2005-2006/EE (Elec.) Dated 13-09-2005 in favour of the petitioner.

The case of the petitioner is that he is a Class I Contractor in electrical works and that he has submitted two tenders in respect of items 9 and 10 at the rate of 32% less than the estimated rates, to the first respondent. The second and third respondents also have submitted their tenders in respect of the same items 9 and 10 respectively. But, the first respondent accepted the tenders of second and third respondents and refused to accept the tender of the petitioner. Hence, the writ petition.

The learned counsel for the first respondent submits that as per the tender notice dated 13-09-2005, the validity of the tender period is one year i.e., from 30-09-2005 to 30-09-2006 in respect of items 9 and 10 and therefore, the contract is still subsisting in respect of items 9 and 10 on behalf of respondent Nos. 2 and 3.

In view of the said submission, I am of the opinion that the petitioner is not entitled to any relief in this writ petition after expiry of the half of the lease period.

The Writ Petition is accordingly dismissed. No order as to costs.

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03-04-2006

sj